

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 671,  
Page 3, Section 115.342, Line 31, by inserting after all of said line the following:

“116.040. The following shall be substantially the form of each page of each petition for  
any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County ..... Circulator is Paid .....

Page No. .... Circulator is Non Paid.....

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021,  
RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a  
fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any  
name other than his or her own, or knowingly to sign his or her name more than once for the same  
measure for the same election, or to sign a petition when such person knows he or she is not a  
registered voter. INITIATIVE PETITION To the Honorable ....., Secretary of State for the state  
of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St.  
Louis), respectfully order that the following proposed law (or amendment to the constitution) shall  
be submitted to the voters of the state of Missouri, for their approval or rejection, at the general  
election to be held on the ..... day of ....., ....., and each for himself or herself says: I have  
personally signed this petition; I am a registered voter of the state of Missouri and ..... County  
(or city of St. Louis); my registered voting address and the name of the city, town or village in  
which I live are correctly written after my name. Circulator's Affidavit State Of Missouri, County  
Of ..... I, ....., being first duly sworn, say (print or type names of signers)

REGISTERED VOTING NAME DATE ADDRESS ZIP CONGR. NAME (Signature) SIGNED  
(Street)(City, CODE DIST. (Printed  
Town or Village) or Typed)

\_\_\_\_ (Here follow numbered lines for signers)

1 \_\_\_\_ signed this page of the foregoing petition, and each of them signed his or her name thereto in  
2 my presence; I believe that each has stated his or her name, registered voting address and city,  
3 town or village correctly, and that each signer is a registered voter of the state of Missouri and  
4 ..... County.

5 .....  
6 Signature of Affiant  
7 (Person obtaining  
8 signatures)

9 .....  
10 Address of Affiant Subscribed and sworn to before me this ..... day of ....., A.D. ....

11 .....  
12 Signature of Notary

13 Address of Notary Notary Public (Seal) My commission expires ..... If this form  
14 is followed substantially and the requirements of section 116.050 and section 116.080 are met, it  
15 shall be sufficient, disregarding clerical and merely technical errors.”; and

16  
17 Further amend said bill, Page 4, Section 116.080, Lines 33-38, by deleting all said lines; and

18  
19 Further amend said bill, Page 6, Section 116.153, Line 5, by adding after the number "610." the  
20 following:

21 "The Joint Committee on Legislative Research shall provide a summation of the testimony of each  
22 person giving public comment at such hearing and shall make such summation publicly available  
23 and posted on a public website within forty-eight hours of the conclusion of the hearing."; and

24  
25 Further amend said bill, page and section, Line 5 by inserting after all of section and line the  
26 following:

27  
28 “116.175. 1. Except as provided in section 116.155, upon receipt from the secretary of  
29 state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal  
30 impact of the proposed measure. The state auditor may consult with the state departments, local  
31 government entities, the general assembly and others with knowledge pertinent to the cost of the  
32 proposal. Proponents or opponents of any proposed measure, may submit to the state auditor a  
33 proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent  
34 with the standards of the governmental accounting standards board and section 23.140, provided  
35 that all such proposals are received by the state auditor within ten days of his or her receipt of the  
36 proposed measure from the secretary of state. No proposed statements of fiscal impact received

1 after the ten day deadline shall be included in the fiscal note or considered by the state auditor in  
2 preparation of the fiscal note or fiscal note summary. For purposes of this section, "proponent"  
3 shall mean the person submitting the sample sheet with the secretary of state or a committee  
4 which has filed a statement of committee organization with the Missouri ethics commission  
5 designating it is in favor of the proposed ballot measure pursuant to section 130.021.5(10), as long  
6 as such filing has occurred prior to submission of the sample sheet with the secretary of state. For  
7 purposes of this section, "opponent" shall mean a person or committee which has filed a statement  
8 of committee organization with the Missouri ethics commission designating it is opposed to the  
9 proposed ballot measure pursuant to section 130.021.5(10). No person or committee shall submit  
10 more than one statement of fiscal impact for each initiative petition.

11 2. The state auditor shall make and promulgate reasonable rules and regulations for the  
12 submission of proposed statements of fiscal impact by proponents or opponents.

13 [2.]3. Within twenty days of receipt of a petition sample sheet, joint resolution or bill  
14 from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary  
15 for the proposed measure and forward both to the attorney general.

16 [3.]4. The fiscal note and fiscal note summary shall state the measure's estimated cost or  
17 savings, if any, to state or local governmental entities and to businesses in Missouri. The fiscal  
18 note summary shall contain no more than fifty words, excluding articles, which shall summarize  
19 the fiscal note in language neither argumentative nor likely to create prejudice either for or against  
20 the proposed measure.

21 [4.]5. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal  
22 note summary, approve the legal content and form of the fiscal note summary prepared by the  
23 state auditor and shall forward notice of such approval to the state auditor.

24 [5.]6. If the attorney general or the circuit court of Cole County determines that the fiscal  
25 note or the fiscal note summary does not satisfy the requirements of this section, the fiscal note  
26 and the fiscal note summary shall be returned to the auditor for revision. The auditor shall have  
27 ten days after the date of the court order or receipt from the attorney general to prepare a new  
28 fiscal note or fiscal note summary in accordance with subsection 4 of this section and send it to  
29 the attorney general for review pursuant to subsection 5 of this section. A fiscal note or fiscal note  
30 summary that does not satisfy the requirements of this section also shall not satisfy the  
31 requirements of section 116.180.”; and  
32

33 Further amend said bill, page 6, Section 116.180, Line 12 by inserting after all of said line the  
34 following:

35 “116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note  
36 prepared for a proposed constitutional amendment or statutory referendum submitted by the

1 general assembly[,] or the official ballot title prepared for a constitutional amendment submitted  
2 by initiative petition, or by constitutional convention, or for a statutory initiative [or referendum  
3 measure], may bring an action in the circuit court of Cole County. The action must be brought  
4 within ten days after the official ballot title is certified by the secretary of state in accordance with  
5 the provisions of this chapter.

6 2. The secretary of state shall be named as a party defendant in any action challenging the  
7 official ballot title prepared by the secretary of state. When the action challenges the fiscal note or  
8 the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party  
9 defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the  
10 measure and the secretary of state shall be the named party defendants in any action challenging  
11 the official summary statement, fiscal note or fiscal note summary prepared pursuant to section  
12 116.155. "Proponents" as defined in section 116.175 have the right to intervene as party  
13 defendants in any suit filed under this section.

14 3. The petition shall state the reason or reasons why the summary statement portion of the  
15 official ballot title is insufficient or unfair and shall request a different summary statement portion  
16 of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or  
17 the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request  
18 a different fiscal note or fiscal note summary portion of the official ballot title.

19 4. The action shall be placed at the top of the civil docket. Insofar as the action challenges  
20 the summary statement portion of the official ballot title, the court shall consider the petition, hear  
21 arguments, and in its decision certify the summary statement portion of the official ballot title to  
22 the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary  
23 portion of the official ballot title, the court shall consider the petition, hear arguments, and in its  
24 decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title  
25 to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for  
26 preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in  
27 section 116.175. Any party to the suit may appeal to the supreme court within ten days after a  
28 circuit court decision. In making the legal notice to election authorities under section 116.240, and  
29 for the purposes of section 116.180, the secretary of state shall certify the language which the  
30 court certifies to him.

31 5. Any person bringing an action pursuant to this section shall take all necessary actions to  
32 have such action presented for dispositive resolution within 120 days of filing of such action.  
33 Such action shall be dismissed with prejudice for failure to prosecute unless the circuit court of  
34 Cole County enters an order expressly stating that the sole cause for delay was the court's  
35 unavailability. Any person whose action is dismissed for failure to prosecute pursuant to this  
36 section shall be assessed all costs of defense, including attorney fees incurred in defending such

1 action. Any action brought under this section which is not fully and finally adjudicated within 180  
2 days after filing, including all appeals, shall be extinguished and no relief on any claim, except for  
3 costs, including attorney fees, shall be granted after such action is extinguished.”;  
4

5 Further amend said bill, Page 7, Section 116.333, Line 3, by replacing "initiative" with "proposed  
6 measure"; and  
7

8 Further amend said bill, Page 8, and section, Line 26, by inserting after all of said line the  
9 following:

10 “(4) The sponsoring signatures required by this section may be obtained at any time after  
11 the deadline for filing of petitions in Article III, section 50 of the constitution for the general  
12 election immediately preceding the general election for which the petition pages with the  
13 sponsoring signatures are seeking to place the proposed initiative. No such sponsoring signatures  
14 may be collected more than two years and six months prior to any general election for which the  
15 initiative petition may be voted upon by the electors of the state.”; and  
16

17 Further amend said bill, section, page, Line 37, by inserting after all of said line the following:

18 “5. The only challenge which may be made to a sample sheet of an initiative petition prior  
19 to the certification of the official ballot title, as provided for in Section 116.190, is an action  
20 regarding the validity of the sponsoring signatures required by this section. Such a challenge  
21 shall be fully and finally adjudicated by all courts in no less than forty-five days from the date of  
22 filing or such action shall be extinguished. All costs, including attorney fees of all defending  
23 parties, shall be assessed against the party bringing such action if such action is extinguished or  
24 dismissed.”; and  
25

26 Further amend said bill, page, Section 116.334, Line 4, by deleting all of said line and inserting in  
27 lieu thereof the following words, “signatures, make a copy of the sample petition, such initial  
28 certification and the”; and  
29

30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.